

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Felicita A. Torres, SBN 298630 Lauren A. Rode, SBN 281803 Griffith & Thornburgh, LLP 8 E. Figueroa Street, Suite 300 Santa Barbara, CA 93101 Phone: (805) 965-5131 Fax: (805) 965-6751 Email: torres@g-tlaw.com; rode@g-tlaw.com</p> <p><input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Ch. 7 Trustee Sandra K. McBeth</i></p>		<p>FOR COURT USE ONLY</p>	
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION</p>			
<p>In re: MATTHEWSON EPUNA</p>		<p>CASE NO.: 9:19-bk-11130-MB CHAPTER: 7</p>	
<p>Debtor(s).</p>		<p>NOTICE OF SALE OF ESTATE PROPERTY</p>	

Sale Date: MAY 26, 2021	Time: 11:30 a.m.
Location: 1415 State Street, Santa Barbara, CA, via ZoomGov virtual hearing	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** May 12, 2021

Description of property to be sold: The Estate's interest in prepetition civil court claims asserted by Debtor, Matthewson Epuna against Defendants listed below.

Terms and conditions of sale: Trustee seeks court approval to sell the estate's right, title and interest in Matthewson
Epuna's pre-bankruptcy petition claims asserted against Hermosa Pier Properties, Ltd., Kim Komick and Craig Weinstein,
set forth in Los Angeles Superior Court Case No. 20STCV49902.

Proposed sale price: \$7,500

Overbid procedure (if any): See attached.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

United States Bankruptcy Court

1415 State Street, Santa Barbara, CA 93101

May 26, 2021

11:30 a.m.

Courtroom 201

*** Due to the COVID-19 public health emergency, the courtroom will be closed to the public and the hearing will be held via ZoomGov, which provides both audio and video access. All parties and members of the public may connect to the hearing free of charge. ZoomGov connection information for this hearing will be posted on the Court's public calendar for Judge Saltzman, accessible on the court's website:**

<http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Sandra K. McBeth, Ch. 7 Trustee

7343 El Camino Real #185

Atascadero, CA 93422

Telephone: (805) 464-2959; Fax: (805) 357-5905

Street Address:

7305 Morro Road, Suite 206

Atascadero, CA 93422

email: smcbeth@mcbethlegal.com

Date: April 28, 2021

Required Overbid Procedure

To further ensure the equity and fairness of this compromise to the estate, the compromise/sale of the estate's prepetition causes of action to Hermosa Pier must be noticed for overbid simultaneous with this motion. *See Goodwin v. Mickey Thompson Entertainment Group, Inc.* (“*In re Mickey Thompson Entertainment Group, Inc.*”), 292 B.R. 415, 421-422 (9th Cir. BAP 2003) (holding that in determining whether a settlement is fair and equitable a court should consider “whether any property of the estate that would be disposed of in connection with the settlement might draw a higher price through a competitive process and be the proper subject of a section 363 sale.”). Pursuant to the notice, the Trustee will sell the estate's prepetition causes of action pursuant to 11 U.S.C. § 363(b) if the Trustee receives a higher and better overbid by an interested buyer prior to the scheduled hearing on this motion. Any party wishing to overbid shall deposit a cashier's check for \$7,500 made payable to “Sandra K. McBeth, Chapter 7 Trustee” c/o the Trustee's counsel, Felicita A. Torres, at Griffith & Thornburgh, LLP, 8 E. Figueroa Street, Ste. 300, Santa Barbara, CA 93101, no later than 5:00 p.m. PST five (5) days prior to the hearing. The initial minimum overbid will be \$8,000 (i.e., to be a qualified overbid, the initial overbid must be at least \$8,000). Subsequent overbids will be in minimum increments of \$500.

If one or more qualified overbids are received by 5:00 p.m. PST five days immediately prior to the scheduled hearing, an auction of the estate's prepetition causes of action shall be held in Courtroom 201 of the United States Courthouse, 1415 State Street, Santa Barbara, California at 11:30 a.m. PST on the date that is scheduled for the hearing on approval of this motion. At the conclusion of the auction, the Trustee will ask the court to confirm the results of the auction and (1) to approve either the compromise with Hermosa Pier pursuant to the terms set forth in Exhibit 1 or, (2) if Hermosa Pier's bid is not the highest and best offer, to confirm a sale of the estate's prepetition causes of action in the Hermosa Pier Complaint to the successful bidder pursuant to 11 U.S.C. § 363(b).

The successful bidder at the auction shall pay the difference between the \$7,500 deposit and the amount of the overbid (the “Additional Payment”) by delivery of the Additional Payment in a cashier's check to the Trustee within three (3) business days after the entry of the order approving this motion. The \$7,500 deposit shall be forfeited by the successful bidder if the Additional Payment is not received by this deadline. Moreover, in the event of a forfeiture by the successful bidder, the Trustee shall be entitled to compromise or sell the estate's interest in the prepetition causes of action to the next highest bidder at the auction, without further notice or order of the Court.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
8 E. Figueroa Street, Suite 300, Santa Barbara, CA 93101

A true and correct copy of the foregoing document entitled (*specify*): **Notice of Sale of Estate Property form**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **April 28, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **April**, **2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) . , **2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 28, 2021

Evelyn R. Downs

/s/ Evelyn R. Downs

Date

Printed Name

Signature

ECF:

Vanessa M Haberbusch vhaberbusch@lbinsolvency.com,
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United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov